

Case No. 20-23  
Application filed: 18 July 2023

## RECORD OF PROCEEDINGS

I, Lisa C. Morrison, assistant to the Zoning Board of Appeals of the town of Edgartown, hereby certify that the following is a detailed record of proceedings relating to the request by the Martha's Vineyard Savings Bank for a special permit under sections 3.1 B 4, 10.1 C, and 10.3 of the zoning bylaw to convert existing attic space into three 1-bedroom apartments for workforce housing. The proposal involves raising the existing roof height from 30-feet to 34-feet and the construction of a new egress stairway. The property is located at 7 School Street, Assessor's Parcel 20D-128 in the B-I Business District.

1. On 18 July 2023 the hearing notice, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on the 21<sup>st</sup> and 28<sup>th</sup> of July 2023.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters - owners of land adjacent to the subject property and abutters to abutters within 300-feet of the property lines - all as they appear on the most recent, applicable, certified tax list; and to all the proper town boards and departments.

On Wednesday, 9 August 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Carol Grant, Thomas Pierce and Julia Livingston - alternate. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Architect Joanne Gosser, bank president James Anthony, and facilities manager Darren Morris were present for the hearing. Mr. Anthony began the presentation noting that the Flynn House, built in 1840, has had multiple uses over the years, including as a boarding house. After the bank purchased the building in the 1980s, an apartment was created in the attic for the comptroller to use during the week.

The building currently houses administration offices, a training room and toilet facilities. The third floor is used for storage. Mr. Anthony said the current proposal was conceived based on 'Smart Development' principles, which encourage the use of existing space - known as 'downtown infilling' - rather than the building of new structures. Mr. Anthony said that the entire island community is aware of the urgent need for workforce housing.

Ms. Gosser explained that in order to provide the apartments with adequate headroom, the bank is proposing to raise the roof by four feet to a ridge height of 34-feet and constructing dormers on the northeast and southeast elevations. In preliminary meetings with the Historic District Commission (HDC), the commission believed that the addition of dormers - well back from the edge of the roof - would lessen the massing of the new roof.

Ms. Gosser noted that the Flynn house is attached to the Main Street branch and is considered one structure by the Building Inspector. The square footage of the existing bank facility is approximately 6013 s.f. The attic renovation would add 1290 s.f. of living space. The only new construction will be a two-story 48 s.f. egress stair. The overall total square footage of the entire mixed use facility would be 7351 s.f.

Ms. Gosser said that an extensive code review was undertaken with both the Building Inspector and the Fire Chief. A code consultant was also involved.

Ms. Gosser said that renovation is located in a section of Edgartown that already has several tall buildings. Within 500 feet of the Flynn building are the Dukes County Courthouse with a height of 36.8', the Edgartown Town Hall with a ridge height of 39', St Elizabeth's Church with a ridge height of 35.1', the Old Whaling Church with a ridge height of 55', and 20 School Street with a ridge height of 37.7'.

The only increase in setback nonconformity will be the minor extension of an existing nonconformity along the rear property boundary to allow for the building of the egress stairway.

Ms. Gosser said that the average height of the surrounding structures is approximately 33'4". The residence at 11 School Street is only 22.54', but the owners have written in favor of the project. Ms. Gosser noted that all the existing trees will remain.

Ms. Gosser said that the HDC has scheduled a public hearing on the 24<sup>th</sup> of August. Ms. Gosser said that the bank will enter into leases with bank employees. The bank will also be leasing an additional two parking spaces.

Ms. Gosser said that the project will have no increase on traffic and will contribute to the diversity of services in the neighborhood, as it allows for lower-income, year-round housing in downtown Edgartown and will provide housing for employees vital to a well-established year-round business.

Mr. Tomassian asked if there were any letters from town boards or departments. The assistant read a letter from the Edgartown Master Plan Steering Committee (EMPSC) that was signed by 15 members. The committee wrote in strong support of the project, noting that the proposal aligns with the EMPSC's goal of increasing housing in existing downtown structures, which allows new housing to tap into existing infrastructure and is located near public transportation, shops, and other facilities.

A letter from Edgartown's Affordable Housing Committee and signed by the Chairman, Mark Hess, was read. Mr. Hess said that the committee fully supports the project and suggested that conditions be placed to ensure year-round employee housing, as opposed to short-term rentals

Letters of support were also received from the Dukes County Sheriff's Office, Island Housing Trust, Habitat for Humanity, Dukes County Regional Housing Authority, the Martha's Vineyard Chamber of Commerce, the Edgartown Board of Trade, the Vineyard Conservation Society, and six bank employees.

Direct abutters Jeffrey Moore and Liz Parkinson, owners of 11 School Street, also wrote in favor of the project.

Mr. Tomassian asked if there was anyone present who wished to speak in opposition to the project.

Ed Doherty, owner of 26 School Street, 20 School Street, and 10 Pent Lane, objected to the raising of the roof to 34-feet. Mr. Doherty said that even though the property is in the B-I Business District, School Street is a residential street. He said that the existing structure at 7 School Street is already higher than many other residences on the street. Raising the roof an additional four feet would alter both the look and the feel of the neighborhood. Mr. Doherty commented that he and other neighbors objected when the prior owners of 20 School Street wanted to restore the former church tower, and it was ultimately turned down.

Mr. Doherty said that it would be more appropriate for the bank to raise the roof of the section of the building that faces Main Street, where it would be in line with other structures with high facades, such as the Town Hall, the Whaling Church, and St. Elizabeth's.

Letters from abutters Dan & Betsy Pfau of 25 School Street and John R. Tankard of 16 School Street were read. The Pfau's objected to raising the roof height to 34-feet, noting that the majority of buildings with higher facades face Main Street, not School Street. They noted that there are many houses on School Street that are significantly lower, such as 17 School Street, 25 School Street, and 34 School Street.

The Pfau's suggested that the bank should consider raising the roof on the one and one-and-a-half story buildings on their property. The Pfau's said that raising the roof would set a 'bad precedent by expanding a commercial presence.'

John Tankard of 16 School Street was also opposed to raising the height. He said that "altering the height of the existing building to accommodate a 3<sup>rd</sup> story distorts its classic proportions...." Mr. Tankard objected to the proposed design that "creates three inadequate apartments, which do not meet the needs of basic living." He said that the proposed dormers would "dominate the other School Street residences."

He also commented that there are serious building code issues that need to be resolved.

James Anthony, President of MV Bank, reiterated that the bank is located in the B-I Business District. He took issue with the idea that the 350 s.f. apartments were inadequate, saying that what he found inadequate was having employees with no place to live.

He noted that the bank is located in an area of Edgartown where there are buildings that exceed the 32-foot height limit on all sides, with the exception of 11 School Street – whose owners support the project.

Mr. Anthony said he did not believe that the project would have a significant impact on the neighborhood and will provide vital employee housing.

Joanne Gosser took issue with Mr. Tankard's comment that the Flynn House is an unaltered structure, noting that it is currently clad in vinyl and has modern windows. She said that the structure is not an example of a pure Greek Revival structure.

Ms. Gosser also noted that the proposed dormers have been sited 9-feet from the School Street side. She said that a good deal of effort was made to address issues of massing so the additional height would have minimal impact.

Mr. Anthony added that locating the three apartments in other areas of the property were explored extensively and found to be not feasible. He noted that the section of the bank fronting Main Street has a vaulted ceiling.

Mr. Anthony commented that the bank reached out to all three abutters who had concerns; only Mr. Doherty responded.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Ms. Grant said that she objected to the proposal. She said she found the dormers to be overwhelming. She commented that the bank had properties in seven or eight other locations that might be more appropriate for employee housing. She said she objected to altering the 1840 structure. She asked whether the project met the Historic District guidelines.

Mr. Tomassian responded that he believed a public hearing before the HDC was scheduled for the 24<sup>th</sup> of August. He said that the HDC had different guidelines than the ZBA. He said he believed the project complied with all ZBA guidelines.

Mr. Pierce said that he believes the bank put a lot of effort into the design. He said he believed that even with the additional height, the structure would still be in character with the neighborhood. He said he did not think that the 350 s.f. apartments were in any way inadequate.

Nancy Whipple said she believes that the design does a good job of 'cleaning up that corner.' She said that her only objection was the addition of metal fencing instead of wood.

Mr. Pierce interjected that he believed the HDC would have a similar opinion.

Julia Livingston said that the dormers do not bother her a bit. She noted that they are stepped back from the edge of the roof, which helps to mitigate any additional massing. She

said she did not think that the additional four feet in roof height would even be noticed after awhile and noted that the roof will continue to be shielded by existing trees. She agreed with Ms. Whipple that a wood fence would be more appropriate.

Mr. Tomassian agreed that it was a well designed project, and noted that the immediate neighbors at 11 School Street, one of the lowest houses in the neighborhood, wrote in favor of the project.

Ms. Livingston made a motion to approve the special permit as submitted. She said she believes that the project is in harmony with the general purpose and intent of the bylaw. She said she did not believe that the additional height would be more objectionable or out of character with the neighborhood. She included the condition that the apartments be permanently restricted to year-round employee housing.

Ms. Whipple seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

Mr. Tomassian and Ms. Livingston also voted to approve the project for the same reasons and with the same condition.

Ms. Grant voted to deny the special permit.

Motion carried: 4 to 1.

Respectfully submitted,

Lisa C. Morrison, Assistant